

AMENDED CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the Purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFF
UNITED STATES OF AMERICA

DEFENDANTS: UNIVERSITY OF GUAM

CV03-00022 *JB*

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRMS NAME, ADDRESS, AND TELEPHONE NUMBER)
MIKEL W. SCHWAB, Assistant U.S. Attorney
Sirena Plaza, Ste 500, 108 Hernan Cortez Ave., Hagatna, Guam

ATTORNEYS (IF KNOWN) MICHAEL J. VARTAIN, ESQ.
Vartain Law Grp, 601 Montgomery St., Ste. 300
San Francisco, CA 94111-2600

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- X1 U.S. Government Plaintiff
2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizen of Parties in item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX (For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State X 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

TITLE VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq.

RECEIVED

JUL - 2 2003

**DISTRICT COURT OF GUAM
HAGATNA, GUAM**

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgement <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suit <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Food & Drug <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC (405(g)) <input type="checkbox"/> 863 DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	

V. ORIGIN

- X 1 Original Proceeding
2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 another district (Specify)
☐ 6 Multidistrict Litigation
☐ 7 Judge from District Magistrate Judgement

(PLACE AN X IN ONE BOX ONLY) Transferred from

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.) 28 U.S.C. § 1441, 1442, 1444, 1446 AND 2409A

Extradition Request from the Federated States of Micronesia. Title 18, Section 3184.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

Check YES only if demanded in complaint:
JURY DEMAND: X YES ☐ NO

VIII. RELATED CASE(S) (See instructions):
IF ANY

JUDGE

DOCKET NUMBER

DATE: June 30, 2003 SIGNATURE OF ATTORNEY OF RECORD UNITED STATES DISTRICT COURT DATE

MARIVIC P. DAVID, Assistant U.S. Attorney

FOR OFFICE USE ONLY
RECEIPT #

AMOUNT

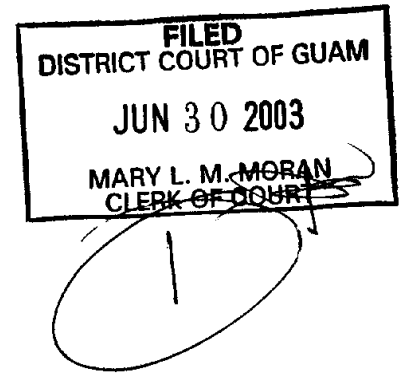
APPLYING IFP

JUDGE

MAG. JUDGE

RALPH F. BOYD, JR., Assistant Attorney General
WILLIAM B. FENTON, Deputy Section Chief
JENNY R. YANG, Senior Trial Attorney
U.S. Department of Justice
Civil Rights Division
Employment Litigation Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 307-3925 telephone

LEONARDO M. RAPADAS, United States Attorney
MIKEL W. SCHWAB, Civil Chief
Sirena Plaza, Suite 500
108 Hernan Cortez Avenue
Hagatna, Guam 96910
(671) 472-7332



Attorneys for the United States

**IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
UNIVERSITY OF GUAM,)	
)	
Defendant.)	
_____)	

CIVIL ACTION NO. **03-00022**

COMPLAINT

Plaintiff, the United States of America, alleges:

1. This action is brought on behalf of the United States of America ("United States") to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.

§ 2000e, et seq. ("Title VII").

2. The Court has jurisdiction of this action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. §§ 1331 & 1345.

3. The Defendant University of Guam (“Defendant” or “University”) is a public territorial university and constitutes a body corporate, according to the laws of the Territory of Guam.

4. The Defendant is a “person” within the meaning of 42 U.S.C. § 2000e(a) and an “employer” within the meaning of 42 U.S.C. § 2000e(b).

5. The Defendant has discriminated against Dr. Craig Lewis, a non-Chamorro Caucasian who served as Dean of Student Affairs at the University, by and among other ways, subjecting him to discriminatory terms, conditions and privileges of employment and discharging him because of his national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a), and/or in retaliation for complaining about what he reasonably believed to be employment discrimination prohibited by Title VII, in violation of Section 704(a) of Title VII, as amended, 42 U.S.C. § 2000e-3(a).

6. The Defendant has discriminated against Kevin Konecny, a non-Chamorro Caucasian who served as Housing Director for the University, by and among other ways, subjecting him to discriminatory terms, conditions and privileges of employment and constructively discharging him because of his national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a), and/or in retaliation for complaining about what he reasonably believed to be employment discrimination prohibited by Title VII, in violation of Section 704(a) of Title VII, as amended, 42 U.S.C. § 2000e-3(a).

7. The Defendant has discriminated against Allen Lomax, a non-Chamorro Caucasian who served as an Assistant Professor and Unit Chair of the Counseling Career Planning and Health Services Department of the Student Affairs Office (“Counseling Services Department”) at

the University, by and among other ways, subjecting him to discriminatory terms, conditions and privileges of employment and constructively discharging him because of his national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a).

8. The Defendant has discriminated against Betty Ann Burns, a non-Chamorro Caucasian who served as an Assistant Professor in the Counseling Services Department at the University, by and among other ways, subjecting her to discriminatory terms, conditions and privileges of employment and constructively discharging her because of her national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a).

9. The Defendant has discriminated against Sparky Willemsen, a non-Chamorro Caucasian who served as a counselor instructor and disabilities program coordinator in the Counseling Services Department at the University, by and among other ways, subjecting her to discriminatory terms, conditions and privileges of employment because of her national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a).

10. The Defendant has discriminated against Linda Rivera, a non-Chamorro Native American who worked as an administrative assistant to the University President, by and among other ways, subjecting her to discriminatory terms, conditions and privileges of employment and discharging her because of her national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a), and/or in retaliation for complaining about what she reasonably believed to be employment discrimination prohibited by Title VII, in violation of Section 704(a) of Title VII, as amended, 42 U.S.C. § 2000e-3(a).

11. The Defendant has discriminated against Dianne Irvine, a non-Chamorro African American who served as the University Counsel and Executive Assistant to the President, by and among other ways, subjecting her to discriminatory terms, conditions and privileges of

employment and refusing to renew her contract because of her national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a), and/or in retaliation for complaining about what she reasonably believed to be employment discrimination prohibited by Title VII, in violation of Section 704(a) of Title VII, as amended, 42 U.S.C. § 2000e-3(a).

12. The Defendant has discriminated against Gilford Standridge, a non-Chamorro Caucasian who served as the University's Field House Manager, by and among other ways, refusing to renew his contract because of his national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a).

13. The Defendant has discriminated against Jane Jennison-Williams, a non-Chamorro Caucasian who worked at the University as a Technical Assistant, by and among other ways, refusing to renew her contract because of her national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a).

14. The Defendant has discriminated against Carlotta Bradberry, a non-Chamorro Filipina who served as the University's Compliance Officer, by and among other ways, refusing to renew her contract because of her national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a), and/or in retaliation for complaining about what she reasonably believed to be employment discrimination prohibited by Title VII, in violation of Section 704(a) of Title VII, as amended, 42 U.S.C. § 2000e-3(a).

15. The Defendant has discriminated against William Bradberry, a non-Chamorro Caucasian who served as an Associate Professor and Unit Chair in the Management, Marketing and Tourism Department at the University's College of Business and Public Administration, by and among other ways, denying him promotion and tenure, and discharging him because of his national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C.

§ 2000e-2(a), and/or in retaliation for his wife, Carlotta Bradberry, having complained about what she reasonably believed to be employment discrimination prohibited by Title VII, in violation of Section 704(a) of Title VII, as amended, 42 U.S.C. § 2000e-3(a).

16. The persons named in paragraphs 5-15 above filed the following charges with the Equal Employment Opportunity Commission ("EEOC"), alleging employment discrimination by the Defendant in violation of Title VII:

<u>Name of Charging Party</u>	<u>EEOC Charge Number(s)</u>
Craig Lewis	370-97-1277
Kevin Konecny	370-97-0518 and 370-97-1065
Allen Lomax	370-97-0568 and 370-97-1025
Betty Ann Burns	370-97-1118
Sparky Willemsen	370-97-0390 and 370-97-0719
Linda Rivera	370-96-0852
Dianne Irvine	370-97-0442
Gilford Standridge	370-97-0101
Jane Jennison-Williams	370-97-0816
Carlotta Bradberry	370-97-0307
William Bradberry	370-97-0872

17. In accordance with Section 706 of Title VII, the EEOC investigated the charges filed by the charging parties, referenced above, issued Determinations finding reasonable cause to believe that the Defendant subjected each charging party to employment discrimination in violation of Title VII, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charges, and subsequently referred the charges to the Department of Justice.

18. All conditions precedent to filing suit have been performed or have occurred.

WHEREFORE, the United States prays that the Court grant the following relief:

(a) Require the Defendant to provide sufficient equitable relief to make whole the charging parties for the losses they have suffered as a result of the discrimination against them as alleged in this Complaint;

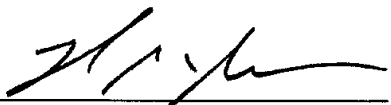
(b) Award compensatory damages to the charging parties as would fully compensate them for their injuries caused by the discrimination against them as alleged in this Complaint, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a; and

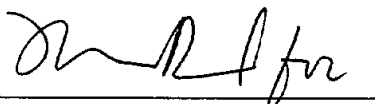
(c) Require the Defendant to take appropriate measures to ensure that individuals are not subjected to discrimination in the terms, conditions and privileges of employment, non-renewal of contracts, or discharge on the basis of race or national origin or retaliated against for complaining about what they reasonably believe to be discrimination prohibited by Title VII.


The United States prays for such additional relief as justice may require, together with its costs and disbursements in this action.

JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

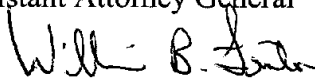


LEONARDO M. RAPADAS
United States Attorney
District of Guam


MIKEL W. SCHWAB
Civil Chief

 Sirena Plaza, Suite 500
108 Hernan Cortez Avenue
Agana, Guam 96910
(318) 262-6618
(671) 472-7215 (telefacsimile)

JOHN ASHCROFT
Attorney General


RALPH F. BOYD, JR.
Assistant Attorney General



WILLIAM B. FENTON
Deputy Section Chief
JENNY R. YANG
Senior Trial Attorney
U.S. Department of Justice
Civil Rights Division
Employment Litigation Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 307-3925
(202) 514-1105 (telefacsimile)